

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RICHARD D. CASITY,

Plaintiff,

v.

MARTIN, et al.,

Defendants.

No. 2:22-CV-2133-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's request for leave to proceed in forma pauperis, ECF No. 6. Plaintiff's complaint will be addressed separately.

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). While Plaintiff has not submitted a certified copy of his inmate trust account as required by 28 U.S.C. § 1915(a)(2), he has provided declaration(s) indicating that he has requested such a statement from prison officials but that none has been provided to him. It thus appears that Plaintiff's inability to submit a complete in forma pauperis application is no fault of his own but is due to the inaction of officials. Because Plaintiff has otherwise demonstrated by affidavit that he is indigent and entitled to in forma pauperis status, the Court will conditionally grant his applications subject to later submission of a certified copy of his prison trust account statement.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 6, is conditionally granted;
2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);
3. An initial partial filing fee of 20 percent of the greater of (a) the average monthly deposits to Plaintiff's trust account or (b) the average monthly balance in Plaintiff's account for the 6-month period immediately preceding the filing of this action is assessed by this order pursuant to 28 U.S.C. § 1915(b)(1); and
4. By separate order, the Court will direct the appropriate agency to collect the fees from Plaintiff's trust account and forward it to the Clerk of the Court until the statutory filing fee is paid in full, pursuant to 28 U.S.C. § 1915(b)(2).

Dated: January 24, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE